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THIRD SUBSTITUTE HOUSE BILL 1741

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State of Washington                      60th Legislature                      2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Hunt, Skinner, and Conway)

READ FIRST TIME 02/07/08.

1            AN ACT Relating to the oral history program; amending RCW  
2 43.07.220, 43.07.230, 43.07.240, 43.07.365, 43.07.370, 43.07.380, and  
3 42.52.802; adding a new section to chapter 42.52 RCW; adding new  
4 sections to chapter 44.04 RCW; adding a new section to chapter 43.07  
5 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230,  
6 and 43.07.240.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8            NEW SECTION.    **Sec. 1.** Washington has developed an impressive oral  
9 history program of recording and documenting the recollections of  
10 public officials and citizens who have contributed to the rich  
11 political history surrounding the legislature. Schools, museums,  
12 historians, state agencies, and interested citizens have benefited from  
13 the availability of these educational materials. The purpose of this  
14 act is to enhance this resource by reinforcing the decision-making role  
15 of the legislature.

16            NEW SECTION.    **Sec. 2.** A new section is added to chapter 42.52 RCW  
17 to read as follows:

18            This chapter does not prohibit the secretary of the senate, the

1 chief clerk of the house of representatives, or their designee from  
2 soliciting and accepting contributions to the legislative oral history  
3 account created in section 8 of this act.

4 **Sec. 3.** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read  
5 as follows:

6 (1) The secretary of ((state)) the senate and the chief clerk of  
7 the house of representatives, at the direction of the legislative oral  
8 history ((advisory)) committee, shall administer and conduct a program  
9 to record and document oral histories of current and former members and  
10 staff of the Washington state legislature, ((current and former state  
11 government officials and personnel,)) and other citizens who have  
12 participated in the political history of the Washington state  
13 legislature. The secretary of ((state shall)) the senate and the chief  
14 clerk of the house of representatives may contract with independent  
15 oral historians ((and through)) or the history departments of the state  
16 universities to interview and record oral histories. The ((tapes and  
17 tape transcripts)) manuscripts and publications shall be ((indexed  
18 and)) made available for research and reference through the state  
19 archives. The ((transcripts)) manuscripts, together with current and  
20 historical photographs, may be published for distribution to libraries  
21 and ((for sale to)) the general public, and posted on the legislative  
22 oral history web site.

23 (2) The oral history of a person who occupied positions, or was  
24 staff to a person who occupied positions, in more than one branch of  
25 government, shall be conducted by the entity authorized to conduct oral  
26 histories of persons in the position last held by the person who is the  
27 subject of the oral history. However, the person being interviewed may  
28 select the entity he or she wishes to prepare his or her oral history.

29 **Sec. 4.** RCW 43.07.230 and 1991 c 237 s 2 are each amended to read  
30 as follows:

31 ~~((An))~~ (1) A legislative oral history ((advisory)) committee is  
32 created, which shall consist of the following individuals:

33 ~~((1))~~ (a) Four members of the house of representatives, two from  
34 each of the two largest caucuses of the house, appointed by the speaker  
35 of the house of representatives;

1 ((+2)) (b) Four members of the senate, two from each of the two  
2 largest caucuses of the senate, appointed by the president of the  
3 senate;

4 ((+3)) (c) The chief clerk of the house of representatives;

5 ((+4)) (d) The secretary of the senate; and

6 ((+5)) (e) The secretary of state or the secretary of state's  
7 designee.

8 (2) Ex officio members may be appointed by a majority vote of the  
9 committee's members. The chair of the committee shall be elected by a  
10 majority vote of the committee members.

11 **Sec. 5.** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read  
12 as follows:

13 The legislative oral history ((~~advisory~~)) committee shall have the  
14 following responsibilities:

15 (1) To select appropriate oral history interview candidates and  
16 subjects;

17 (2) To select transcripts or portions of transcripts, and related  
18 historical material, for publication;

19 (3) To advise the secretary of ((~~state~~)) the senate and the chief  
20 clerk of the house of representatives on the format and length of  
21 individual interview series and on appropriate issues and subjects for  
22 related series of interviews;

23 (4) To advise the secretary of ((~~state~~)) the senate and the chief  
24 clerk of the house of representatives on the appropriate subjects,  
25 format, and length of interviews and on the process for conducting oral  
26 history interviews ((~~with subjects currently serving in the Washington~~  
27 ~~state legislature~~));

28 (5) To advise the secretary of ((~~state~~)) the senate and the chief  
29 clerk of the house of representatives on joint programs and activities  
30 with state universities, colleges, museums, and other groups conducting  
31 oral histories; and

32 (6) To advise the secretary of ((~~state~~)) the senate and the chief  
33 clerk of the house of representatives on other aspects of the  
34 administration of the oral history program and on the conduct of  
35 individual interview projects.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 44.04 RCW  
2 to read as follows:

3        The secretary of the senate and the chief clerk of the house of  
4 representatives may fund oral history activities through donations as  
5 provided in section 7 of this act and through funds in the legislative  
6 gift center account created in RCW 44.73.020.    The activities may  
7 include, but not be limited to, conducting interviews, preparing and  
8 indexing transcripts, publishing manuscripts and photographs, and  
9 presenting displays and programs.    Donations that do not meet the  
10 criteria of the legislative oral history program may not be accepted.  
11 The secretary of the senate and the chief clerk of the house of  
12 representatives shall adopt joint rules necessary to implement this  
13 section.

14        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 44.04 RCW  
15 to read as follows:

16        (1) The secretary of the senate and the chief clerk of the house of  
17 representatives may solicit and accept gifts, grants, conveyances,  
18 bequests, and devises of real or personal property, or both, in trust  
19 or otherwise, and sell, lease, exchange, invest, or expend these  
20 donations or the proceeds, rents, profits, and income from the  
21 donations except as limited by the donor's terms.

22        (2) Moneys received under this section may be used only for  
23 conducting oral histories.

24        (3) Moneys received under this section must be deposited in the  
25 legislative oral history account established in section 8 of this act.

26        (4) The secretary of the senate and the chief clerk of the house of  
27 representatives shall adopt joint rules to govern and protect the  
28 receipt and expenditure of the proceeds.

29        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 44.04 RCW  
30 to read as follows:

31        The legislative oral history account is created in the custody of  
32 the state treasurer.    All moneys received under section 7 of this act  
33 and from the legislative gift center account created in RCW 44.73.020  
34 must be deposited in the account.    Expenditures from the account may be  
35 made only for the purposes of the legislative oral history program  
36 under RCW 43.07.220 (as recodified by this act).    Only the secretary of

1 the senate or the chief clerk of the house of representatives or their  
2 designee may authorize expenditures from the account. An appropriation  
3 is not required for expenditures, but the account is subject to  
4 allotment procedures under chapter 43.88 RCW.

5 NEW SECTION. **Sec. 9.** (1) All powers, duties, and functions of the  
6 secretary of state pertaining to the legislative oral history program  
7 are transferred to the secretary of the senate and the chief clerk of  
8 the house of representatives. All references to the secretary of state  
9 or the office of the secretary of state in the Revised Code of  
10 Washington shall be construed to mean the secretary of the senate and  
11 the chief clerk of the house of representatives when referring to the  
12 functions transferred in this section.

13 (2)(a) All reports, documents, surveys, books, records, files,  
14 papers, or written material in the possession of the secretary of state  
15 pertaining to the powers, functions, and duties transferred shall be  
16 delivered to the custody of the secretary of the senate and the chief  
17 clerk of the house of representatives. All funds, credits, or other  
18 assets held in connection with the powers, functions, and duties  
19 transferred shall be assigned to the secretary of the senate and the  
20 chief clerk of the house of representatives.

21 (b) Any appropriations made to the secretary of state for carrying  
22 out the powers, functions, and duties transferred shall, on the  
23 effective date of this section, be transferred and credited to the  
24 secretary of the senate and the chief clerk of the house of  
25 representatives.

26 (c) Whenever any question arises as to the transfer of any  
27 personnel, funds, books, documents, records, papers, files, equipment,  
28 or other tangible property used or held in the exercise of the powers  
29 and the performance of the duties and functions transferred, the  
30 director of financial management shall make a determination as to the  
31 proper allocation and certify the same to the state agencies concerned.

32 (3) All employee positions of the secretary of state assigned to  
33 performing the powers, functions, and duties transferred are  
34 transferred to the jurisdiction of the secretary of the senate and the  
35 chief clerk of the house of representatives. All employees classified  
36 under chapter 41.06 RCW, the state civil service law, are assigned to  
37 the secretary of the senate and the chief clerk of the house of

1 representatives to perform their usual duties upon the same terms as  
2 formerly, without any loss of rights, subject to any action that may be  
3 appropriate thereafter in accordance with the laws and rules governing  
4 state civil service.

5 (4) All rules and all pending business before the secretary of  
6 state pertaining to the powers, functions, and duties transferred shall  
7 be continued and acted upon by the secretary of the senate and the  
8 chief clerk of the house of representatives. All existing contracts  
9 and obligations shall remain in full force and shall be performed by  
10 the secretary of the senate and the chief clerk of the house of  
11 representatives.

12 (5) The transfer of the powers, duties, functions, and personnel of  
13 the secretary of state shall not affect the validity of any act  
14 performed before the effective date of this section.

15 (6) If apportionments of budgeted funds are required because of the  
16 transfers directed by this section, the director of financial  
17 management shall certify the apportionments to the agencies affected,  
18 the state auditor, and the state treasurer. Each of these shall make  
19 the appropriate transfer and adjustments in funds and appropriation  
20 accounts and equipment records in accordance with the certification.

21 (7) Nothing contained in this section may be construed to alter any  
22 existing collective bargaining unit or the provisions of any existing  
23 collective bargaining agreement until the agreement has expired or  
24 until the bargaining unit has been modified by action of the public  
25 employment relations commission as provided by law.

26 (8) The secretary of the senate and the chief clerk of the house of  
27 representatives will determine location and staff reporting for the  
28 program.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.07 RCW  
30 to read as follows:

31 (1) The secretary of state shall administer and conduct a program  
32 to record and document oral histories of current and former members and  
33 staff of the Washington state executive and judicial branches, the  
34 state's congressional delegation, and other citizens who have  
35 participated in the political history of Washington state. The program  
36 shall be called the Washington state legacy project. The secretary of  
37 state may contract with independent oral historians or history

1 departments of the state universities to interview and record oral  
2 histories. The manuscripts and publications shall be made available  
3 for research and reference through the state archives. The  
4 transcripts, together with current and historical photographs, may be  
5 published for distribution to libraries and the general public, and be  
6 posted on the secretary of state's web site.

7 (2) The Washington state legacy project may act as a principal  
8 repository for oral histories related to community, family, and other  
9 various projects.

10 (3) The oral history of a person who occupied positions, or was  
11 staff to a person who occupied positions, in more than one branch of  
12 government shall be conducted by the entity authorized to conduct oral  
13 histories of persons in the position last held by the person who is the  
14 subject of the oral history. However, the person being interviewed may  
15 select the entity he or she wishes to prepare his or her oral history.

16 (4) The secretary of state may create a Washington state legacy  
17 project advisory council to provide advice and guidance on matters  
18 pertaining to operating the legacy project. The secretary of state may  
19 not compensate members of the legacy project advisory council but may  
20 provide reimbursement to members for expenses that are incurred in the  
21 conduct of their official duties.

22 **Sec. 11.** RCW 43.07.365 and 2002 c 358 s 3 are each amended to read  
23 as follows:

24 The secretary of state may fund (~~(oral history)~~) Washington state  
25 legacy project activities through donations as provided in RCW  
26 43.07.037. The activities may include, but not be limited to,  
27 conducting interviews, preparing and indexing transcripts, publishing  
28 transcripts and photographs, and presenting displays and programs.  
29 Donations that do not meet the criteria of the (~~(oral history program)~~)  
30 Washington state legacy project may not be accepted. The secretary of  
31 state shall adopt rules necessary to implement this section.

32 **Sec. 12.** RCW 43.07.370 and 2007 c 523 s 3 are each amended to read  
33 as follows:

34 (1) The secretary of state may solicit and accept gifts, grants,  
35 conveyances, bequests, and devises of real or personal property, or

1 both, in trust or otherwise, and sell, lease, exchange, invest, or  
2 expend these donations or the proceeds, rents, profits, and income from  
3 the donations except as limited by the donor's terms.

4 (2) Moneys received under this section may be used only for the  
5 following purposes:

6 (a) Conducting (~~oral histories~~) the Washington state legacy  
7 project;

8 (b) Archival activities;

9 (c) Washington state library activities; and

10 (d) Development, construction, and operation of the Washington  
11 state heritage center.

12 (3)(a) Moneys received under subsection (2)(a) through (c) of this  
13 section must be deposited in the (~~oral history~~) Washington state  
14 legacy project, state library, and archives account established in RCW  
15 43.07.380.

16 (b) Moneys received under subsection (2)(d) of this section must be  
17 deposited in the Washington state heritage center account created in  
18 RCW 43.07.129.

19 (4) The secretary of state shall adopt rules to govern and protect  
20 the receipt and expenditure of the proceeds.

21 **Sec. 13.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read  
22 as follows:

23 The (~~oral history~~) Washington state legacy project, state  
24 library, and archives account is created in the custody of the state  
25 treasurer. All moneys received under RCW 43.07.370 must be deposited  
26 in the account. Expenditures from the account may be made only for the  
27 purposes of the (~~oral history program under RCW 43.07.220~~) Washington  
28 state legacy project under section 10 of this act, archives program  
29 under RCW 40.14.020, and the state library program under chapter 27.04  
30 RCW. Only the secretary of state or the secretary of state's designee  
31 may authorize expenditures from the account. An appropriation is not  
32 required for expenditures, but the account is subject to allotment  
33 procedures under chapter 43.88 RCW.

34 **Sec. 14.** RCW 42.52.802 and 2003 c 164 s 4 are each amended to read  
35 as follows:

36 This chapter does not prohibit the secretary of state or a designee

1 from soliciting and accepting contributions to the (~~oral history~~)  
2 Washington state legacy project, state library, and archives account  
3 created in RCW 43.07.380.

4 NEW SECTION. **Sec. 15.** The following are each recodified as  
5 sections in chapter 44.04 RCW:

6 RCW 43.07.220

7 RCW 43.07.230

8 RCW 43.07.240

9 NEW SECTION. **Sec. 16.** If specific funding for the purposes of  
10 this act, referencing this act by bill or chapter number, is not  
11 provided by June 30, 2008, in the omnibus appropriations act, this act  
12 is null and void.

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